

## Libya

freedomhouse.org

### Status Change Explanation:

Libya's political rights rating declined from 4 to 6, its civil liberties rating declined from 5 to 6, and its status declined from Partly Free to Not Free due to the country's descent into a civil war, which contributed to a humanitarian crisis as citizens fled embattled cities, and led to pressure on civil society and media outlets amid the increased political polarization.

Libya held national elections in February 2014 for a Constituent Assembly tasked with drafting a new constitution, and a series of municipal council elections began in April. Elections for the House of Representatives (HoR)—to replace the General National Congress (GNC) as the country's interim legislature—were held in late June. However, political opponents of the new parliament, which convened in the eastern town of Tubruk, challenged its legitimacy and revived the GNC in Tripoli. The dispute led to a civil war, as rival coalitions of militias aligned with the two would-be governments. By year's end, the ongoing fighting had killed hundreds of people, damaged important infrastructure, and displaced residents of the affected cities and towns.

Even before the armed conflict matured, de facto power was largely in the hands of armed groups that emerged during and after the 2011 revolution that overthrew longtime dictator Mu'ammar al-Qadhafi. Security conditions had gradually worsened amid regular kidnappings, detentions, torture, and an increasing number of politically motivated assassinations. In May 2014, a former military officer, General Khalifa Haftar, launched an offensive as the head of a coalition called Operation Dignity that promised to purge Libya of Islamists—making no distinction between moderate political groups and violent extremists. An opposing coalition, known as Libya Dawn, emerged in July as the civil war took shape. Operation Dignity supported the HoR based in Tubruk, while Libya Dawn defended the GNC in Tripoli. The makeup of the two forces was complex, as the conflict represented not just an ideological battle between Islamists and secularists, but also a regional competition between militias based in Misrata and Zintan, as well as a struggle between remnants of the Qadhafi regime and revolutionaries. Regional actors such as Egypt, Saudi Arabia, and the United Arab Emirates supplied arms and other support to Operation Dignity, while Qatar and Turkey sided with Libya Dawn.

According to Human Rights Watch, the armed groups “have committed what amount to war crimes by attacking civilians and civilian property.” In addition, unidentified assailants killed hundreds of people with impunity during the year. Among those assassinated were prominent journalists, human rights activists, and religious leaders.

Despite a UN Security Council resolution in August that called for an immediate cease-fire and threatened sanctions against those exacerbating the conflict, international efforts to broker an end to the fighting made little progress, and most foreign embassy personnel evacuated the capital.

## Political Rights and Civil Liberties:

### **Political Rights: 8 / 40 (-13) [Key]**

#### **A. Electoral Process: 5 / 12 (-4)**

An August 2011 constitutional declaration, issued by an unelected National Transitional Council, serves as the governing document for the transitional period between the revolution and the adoption of a permanent constitution. The first national elections in July 2012 established the 200-member GNC, which approved a prime minister and cabinet and was tasked with appointing a body that would draft a new constitution. In February 2013, the GNC decided that the drafting panel would be directly elected instead, and in July of that year it passed an electoral law for the 60-member Constituent Assembly, with equal representation for Libya's three historic regions: Fazzan in the south, Tripolitania in the west, and Cyrenaica in the east.

The High National Election Commission (HNEC), established as a permanent body by the GNC, carried out the Constituent Assembly elections in February 2014. Only 1.1 million Libyans registered to vote, compared with 2.8 million for the GNC elections, reflecting mounting frustrations with insecurity, government performance, and the pace of the political transition. Moreover, the Amazigh (Berber) minority boycotted the vote on the grounds of unfair representation, and security problems prevented polling stations from operating in many other districts. As a result, 13 of the 60 seats could not be filled. Nevertheless, the assembly began its work in April.

Meanwhile, amid protests and growing dissatisfaction with the GNC and the government of Prime Minister Ali Zeidan, the GNC in March approved the seventh amendment to the 2011 constitutional declaration to allow for the election of a new Libyan parliament, the HoR. An electoral law for the new body was adopted the same month. The GNC also voted to remove Zeidan, naming Defense Minister Abdullah al-Thinni as his interim replacement. Ahmed Maiteeq was chosen as the new prime minister in a disputed vote in May, but the constitutional circuit of the Libyan Supreme Court later ruled that the procedure had been invalid, leaving al-Thinni in power.

Despite the military campaign launched by General Haftar in May, the HNEC announced that the HoR elections would take place on June 25, with less than a month to prepare for voter education and campaigning. Only 630,000 Libyans cast votes, and security problems in some areas meant that 12 of the 200 seats remained vacant. All candidates were required to run as independents. Though the seventh amendment to the constitutional declaration indicated that the HoR would meet in Benghazi, elected members decided to relocate to Tubruk, the headquarters of Operation Dignity, due to ongoing fighting in Benghazi. Of the 188 members, 158 attended the inaugural session in August, and the international community endorsed the newly elected HoR as the GNC's replacement. Meanwhile, the 30 members who boycotted the Tubruk session filed a case with the constitutional circuit of the Libyan Supreme Court to challenge the validity of the new legislature. A rump GNC dominated by Islamist members, meeting in Tripoli in August, appointed Omar al-Hassi as its

prime minister, while the HoR reappointed al-Thinni in September. In November, the Supreme Court struck down the seventh amendment of the constitutional declaration, which opponents of the HoR took to mean that the new parliament was invalid and the GNC remained in office. The ruling deepened the country's political divide as the civil war gained momentum.

However, both sides appeared to recognize the legitimacy of the Constituent Assembly, which continued its work and released preliminary components of a draft constitution in late December.

## **B. Political Pluralism and Participation: 3 / 16 (-6)**

More than 100 parties or lists spanning the political spectrum, from socialists to Islamists, organized to contest the 2012 GNC elections, marking a clear departure from the Qadhafi era, during which political parties were illegal and all independent political activity was banned. However, the legitimacy and integrity of the new parties steadily eroded, and all candidates in the 2014 elections were required to run as independents.

Civilian politics and public participation were further marginalized by and subordinated to armed groups during 2014, as the two opposing military coalitions fought for control of the country and extremist forces that rejected both sides established a presence in some areas.

The electoral law for the 60-member Constituent Assembly reserved six seats for women and two each for three ethnic minorities: the Amazigh, Tebu, and Tuareg people. Some groups challenged the fairness of the rules, which allocated equal numbers of seats among the three ethnic minorities and among the three historical regions despite their widely varying populations. Amazigh groups in particular, who make up approximately 10 percent of the country's population, consequently boycotted the February elections. For the HoR elections, 32 seats were reserved for women; there were no special provisions for ethnic minorities.

## **C. Functioning of Government: 0 / 12 (-3)**

Neither of the country's rival political and military camps constituted an effective national government in 2014. Even before the rift solidified in the middle of the year, the authority of elected officials was limited in practice by autonomous regional armed groups and underdeveloped state institutions.

Corruption has long been pervasive in both the private sector and the government. Transparency International's 2014 Corruption Perceptions Index ranked Libya at 166 out of 175 countries and territories surveyed. The fall of the Qadhafi regime initially raised hopes that the level of graft would decline, but oil interests, foreign governments, smuggling syndicates, and armed groups still wield undue influence, especially in the South, and

opportunities for corruption abound in the absence of effective fiscal, judicial, and commercial institutions.

## **Civil Liberties: 15 / 60 (-5)**

### **D. Freedom of Expression: 6 / 16 (-2)**

The fall of the Qadhafi regime lifted restrictions on the long-repressed media sector. Citizen journalism became more common, and media outlets ranging from satellite television and radio stations to print publications multiplied in number, representing a diversity of views across the country. However, media freedom is increasingly limited by political and criminal violence that has made objective reporting more dangerous. Many media outlets have censored themselves or closed to avoid retribution by armed groups, and a growing number of journalists have fled the country.

Post-Qadhafi authorities have sometimes sought to curb free expression. While the Supreme Court in 2012 struck down a law that would have restricted any speech deemed insulting to the country's people and institutions, in February 2014 the GNC promulgated legislation that criminalized "harming" the 2011 revolution. In addition to criminal defamation charges, media professionals faced assaults, abductions, and raids on their offices during 2014. Muftah Buzeid, editor in chief of the weekly *Burniq* in Benghazi, was assassinated in May, having criticized the city's Islamist militias. A number of television stations were reportedly hit by shelling, while others, including Tripoli's Al-Asseema and Al-Dawliya in August, were ransacked and ceased broadcasting. Various stations aligned themselves with or were taken over by one or the other of the warring factions, producing what amounted to propaganda.

Nearly all Libyans are Sunni Muslims, but Christians form a small minority, with most hailing from neighboring countries. The Qadhafi regime closely monitored mosques for signs of religious extremism and Islamist political activity; Muslims of various religious and political strains were much freer to organize and debate their points of view after 2011. In some cases, however, this led to verbal and armed clashes. Some Salafi Muslim groups, whose beliefs reject the veneration of saints, have destroyed or vandalized Sufi Muslim shrines. Nabil Sati, a prominent Muslim cleric, was among those assassinated in Benghazi during 2014. Human rights organizations have called for the rights of all religious groups to be guaranteed in the forthcoming constitution.

Close state supervision of education ended after Qadhafi's ouster, and his *Green Book* was removed from school curricula. However, laws guaranteeing academic freedom have not yet been passed. Academic institutions were sometimes caught up in the growing violence in 2014. An airstrike by General Haftar's forces hit the University of Benghazi in June.

Although open and free private discussion improved dramatically after 2011, the civil conflict and wave of assassinations in 2014 began to take their toll, with many Libyans withdrawing from political life or avoiding criticism of powerful actors.

## **E. Associational and Organizational Rights: 3 / 12 (-2)**

A 2012 law on freedom of assembly is generally compatible with international human rights principles, and a number of protests have taken place in recent years, though marches against militia bases have often ended in violence. In early 2014 mass demonstrations called for the end of the GNC's term, and later gatherings were held to show support for the combatants in the civil conflict. However, the fighting and related disorder seriously deterred peaceful assemblies in many areas.

While draft laws on freedom of association have yet to be adopted, domestic nongovernmental organizations have been allowed significantly more freedom to operate since the collapse of the Qadhafi regime. However, political and civic activists faced an increasing risk of assassination in 2014. Those murdered in Benghazi included prominent human rights lawyer Salwa Bughaighis, who was shot in her home in June. The killing, along with that of former lawmaker Fariha al-Barkawi in Darna in July, contributed to decisions by several other women activists to flee the country.

Trade unions, previously outlawed, have made small strides since 2011, but they are in their organizational infancy and have received little official recognition.

## **F. Rule of Law: 1 / 16**

The role of the judiciary remains unclear without a permanent constitution. The justice system has not been able to function properly, thus nonstate dispute mechanisms have filled the void. Some courts cities are functioning, but those in Darna, Benghazi, and Sirte were suspended for much of 2014, and facilities in Tripoli stopped functioning amid the civil conflict in August. Nevertheless, the constitutional circuit of the Libyan Supreme Court played a key role in two political cases during the year, ruling on Maiteeq's nomination as prime minister in June and the legality of the seventh constitutional amendment in November. The first ruling was upheld and respected, but the second came in the midst of the civil conflict, with critics arguing that the court was under duress because Tripoli was controlled by forces opposed to the new parliament.

Investigations into a large number of cases involving torture and extrajudicial executions before and during the 2011 revolution, including the killing of Qadhafi, have made little progress. Thousands of individuals remain in government or militia custody without any formal trial or sentencing. The former dictator's son, Saif al-Islam al-Qadhafi, continues to be held in Zintan despite a final ruling by the International Criminal Court in May 2014 that he should be handed over to The Hague. In the absence of a functioning police force and a capacity for witness protection, none of the political killings in recent years have been fully investigated.

Libyans from certain tribes and communities—often those perceived as pro-Qadhafi—have faced discrimination, violence, and displacement since 2011. Migrant workers from sub-

Saharan Africa have also been subject to discrimination and mistreatment, particularly at the hands of militia groups. There are reports of discrimination against the Tebu and Tuareg minorities in employment, housing, education, and other services.

### **G. Personal Autonomy and Individual Rights: 5 / 16 (-1)**

The interim constitution guarantees freedom of movement, but violence has disrupted normal activity in major cities. Airports in Benghazi, Tripoli, Sabha, and Misrata have been attacked and destroyed, severely limiting access to air travel. The UN Special Mission in Libya estimated in September 2014 that at least 100,000 Libyans had been internally displaced by the recent fighting, and another 150,000, including many migrant workers, had left the country. Tens of thousands of Libyans reportedly sought safety in neighboring Tunisia, adding to an existing refugee population there. Government and militia checkpoints also restrict movement within Libya, particularly in the South, while poor security conditions more generally affect movement as well as access to work and education.

According to the World Bank's *Doing Business Report 2015*, Libya ranks 188 out of 189 countries in their ease of doing business. While Libyans have the right to own property and can start businesses, regulations and protections are not upheld in practice.

Women enjoyed many of the same legal protections as men under the Qadhafi regime, but certain laws and social norms perpetuated discrimination, particularly in areas such as marriage, divorce, and inheritance. The GNC made some limited efforts to address gender inequality, but formal legal changes have yet to be enacted. Threats and harassment against women, especially female activists, are reportedly increasing. Extramarital sex, including same-sex activity, is punishable with up to five years in prison.

Libya was rated a Tier 3 country in the U.S. State Department's 2014 *Trafficking in Persons Report*, which described widespread forced labor and sexual exploitation among trafficking victims from sub-Saharan Africa. The country lacks comprehensive laws criminalizing human trafficking, and the authorities have been either incapable of enforcing existing bans or complicit in trafficking activity.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**